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02-03-03

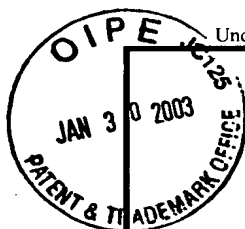
GP # 1634

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		<b>Application Number</b>	09/975,754
		<b>Filing Date</b>	10/10/2001
		<b>First Named Inventor</b>	Eric Lietz
		<b>Group/Art Unit</b>	1634
		<b>Examiner Name</b>	A. Chakrabarti
<b>Total Number of Pages in This Submission</b>	6	<b>Attorney Docket Number</b>	22477-708

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below):
<div style="float: right; text-align: center;"> <b>RECEIVED</b>  <b>FEB 10 2003</b>  <b>TECH CENTER 1600/2900</b> </div>		
<b>Remarks</b>		

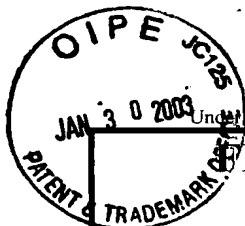
## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

<b>Firm or Individual name</b>	Shirley Chen, Reg. No. 44,608, WILSON SONSINI GOODRICH & ROSATI		
<b>Signature</b>			
<b>Date</b>	January 30, 2003	<b>Customer Number:</b>	021971

## CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Commissioner for Patents, Washington, D.C. 20231, on this date: 1/30/2003			
Express Mail Label EL 473988379 US			
<b>Typed or printed name</b>	Donna L. Hengst		
<b>Signature</b>		<b>Date</b>	January 30, 2003

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# **FREE TRANSMITTAL for FY 2002**

Patent fees are subject to annual revision.  
Small Entity payments *must* be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 and 1.28.

**TOTAL AMOUNT OF PAYMENT** (\$) 55.00

## **Complete if Known**

Application Number 09/975,754  
Filing Date 10/10/2001  
First Named Inventor Eric Lietz  
Examiner Name A. Chakrabarti  
Group/Art Unit 1634  
Attorney Docket Number 22477-708

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## **METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 23-2415 (Docket No. 22477-708)

Deposit Account Name Wilson Sonsini Goodrich & Rosati

- ☒ Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

## **FEE CALCULATION (continued)**

### **3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)				25 Request for Corrected Filing Receipt	
Other fee (specify)				55/110 Terminal Disclaimer	55.00
* Reduced by Basic Filing Fee Paid				<b>SUBTOTAL (3)</b>	<b>(\$ 55.00)</b>

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>					<b>(\$)</b>

### **2. EXTRA CLAIM FEES**

		Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =		x	
Independent Claims	-3** =		x	
Multiple Dependent				

\*\*or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$)

## **SUBMITTED BY**

Name (Print/Type)	Shirley Chen	Registration No. (Attorney/Agent)	44,608	Telephone	650-493-9300
Signature		Date	January 30, 2003	Customer No.	021971

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Eric Lietz

Application No.: 09/975,754

Filed: October 10, 2001

For: RANDOM TRUNCATION AND  
AMPLIFICATION OF NUCLEIC ACID

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)  
) Group Art Unit: 1634

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) Examiner: A. Chakrabarti, Ph.D.  
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AMENDMENT UNDER 37 C.F.R. §1.111

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This Amendment is in response to the Office Action mailed January 15, 2003. Applicants submit herewith a terminal disclaimer to overcome Examiner's nonstatutory double patenting rejection under 37 CFR 3.73(b). Reconsideration is respectfully requested in view of the following remarks.

In the Claims

Please add the following new claims 53-65:

--53. (New) The method according to claim 19 wherein the target sequence has a sequence which is at least partially unknown at the time of primer extension amplification.

54. (New) The method according to claim 19 wherein the first and second fixed sequences include at least one restriction site.

55. (New) The method according to claim 19 wherein one of the fixed sequence of the first and second primers includes an ATG or a GTA sequence and the fixed sequence of the other primer includes a sequence encoding one or more translation stop codons.

56. (New) The method according to claim 19 wherein the length of the first and second primers is between 10 and 80 nucleotides.